

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WALTER MITCHELL,

Plaintiff,

vs.

No. 05-CV-1155 JB/LAM

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SANTA FE,
a Governmental Entity organized under
the Laws of the State of New Mexico and
its subsidiary Santa Fe County Sheriff's Department,
and DENNIS O'BRIEN, a Deputy Sheriff with the
Santa Fe County Sheriff's Department,
individually,

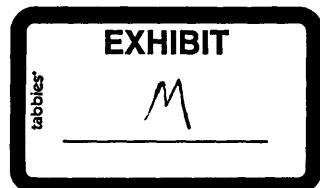
Defendants.

SECOND AFFIDAVIT OF DENNIS O'BRIEN

COUNTY OF SANTA FE)
)
) ss.
STATE OF NEW MEXICO)

I, Dennis O'Brien, having been duly sworn upon my oath, hereby do state as follows:

1. My name is Dennis O'Brien.
2. This affidavit is based upon my personal knowledge.
3. I did not receive, by mail or otherwise, nor did I see, a copy of the Final Judgment entered in this case, nor a copy of the Order on Plaintiff's Motion for Default Judgment, until I obtained copies from the Court Clerk in late February 2010, after I had first become aware of the judgment through media inquiries.
4. I would not have ignored the Final Judgment or anything else filed in this case if I had seen it. Instead, I would have immediately brought any document filed in this lawsuit to the



Sheriff and the County Attorney, and I would have taken whatever legal action was necessary to try to have the judgment reversed or voided.

5. The summary of Agent Martinez's interview with me as set forth in the Statement of Probable Cause in State v. Mitchell (previously attached as Independent Action Ex. B) is a true and accurate summary of what occurred in Santa Fe County, New Mexico on November 4, 2002 with respect to Plaintiff Walter Mitchell.


DENNIS O'BRIEN

SUBSCRIBED AND SWORN TO before me by Dennis O'Brien on this
23rd day of April, 2010.


NOTARY PUBLIC

